

## **AMENDMENTS TO THE CLAIMS**

The following listing of claims will replace all prior versions and listings of claims in the application.

### **LISTING OF CLAIMS**

1. (Currently Amended) A gas-filled cushioning device, comprising:  
  
a multi-layer film formed into a gas-filled membrane having an interior compartment containing at least one capture gas constituent,  
  
said multi-layer film including a first layer comprising a combination of at least one aliphatic thermoplastic [[urethane]] polyurethane and at least one copolymer of ethylene and vinyl alcohol, wherein the first layer includes up to about 50 wt. % of aliphatic thermoplastic [[urethane]] polyurethane, and a second, outer layer comprising a flexible resilient elastomeric thermoplastic material,  
  
said multi-layer film being capable of selectively resisting an outward diffusion of said capture gas constituent and permitting an inward diffusion pumping of at least one mobile gas constituent,  
  
wherein hydrogen bonding occurs along a segment of the film between the first layer and the second layer.
  
2. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein said first layer includes between about 1 wt. % to about 30 wt. % of aliphatic thermoplastic [[urethane]] polyurethane.

3. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein the thermoplastic material of said second layer comprises a thermoplastic ~~[[urethane]]~~ polyurethane selected from the group consisting of polyester, polyether, polycaprolactone, polyoxypropylene and polycarbonate macroglycol based materials and mixtures thereof.

4. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein said first layer including a combination of at least one aliphatic thermoplastic ~~[[urethane]]~~ polyurethane and at least one copolymer of ethylene and vinyl alcohol has an average thickness of ~~[[between]]~~ about 0.5 mils to about 10 mils and said second layer of thermoplastic material has an average thickness of ~~[[between]]~~ about 5 mils to about 100 mils.

5. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein said capture gas constituent is nitrogen.

6. (Currently Amended) The gas-filled cushioning device according to Claim 2, wherein said first layer includes ~~[[between]]~~ about 5 wt. % to about 25 wt. % of aliphatic thermoplastic ~~[[urethane]]~~ polyurethane.

7. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein said copolymer of ethylene and vinyl alcohol is selected from the group consisting of copolymers including an ethylene content of ~~[[between]]~~ about 25 mol. % to about 48 mol. %.

8. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein said first layer also includes an aromatic thermoplastic [[urethane]] polyurethane.

9. (Currently Amended) The gas-filled cushioning device according to Claim 1, wherein said first layer includes:

(a) 50 wt. % to about 97 wt. % of at least one copolymer of ethylene and vinyl alcohol;

(b) 3 wt. % to about 50 wt. % of at least one aliphatic thermoplastic [[urethane]] polyurethane; and

(c) up to about 3 wt. % of one or more aromatic thermoplastic [[urethanes]] polyurethanes;

wherein the total constituency of said first layer is equal to 100 wt. %.

10. (Currently Amended) The gas-filled cushioning device according to Claim 1, further comprising a third layer including a thermoplastic [[urethane]] polyurethane selected from the group consisting of polyester, polyether, polycaprolactone, polyoxypropylene and polycarbonate macroglycol based materials and mixture thereof; said third layer and said second layer being disposed so as to sandwich the first layer.